

HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILD FISH CONSERVANCY,)	Case No. 2:21-cv-00169-RSL
)	
Plaintiff,)	SECOND JOINT STIPULATED
)	MOTION TO EXTEND DEADLINE
v.)	FOR STATUS REPORT AND
)	ORDER
WASHINGTON DEPARTMENT OF FISH &)	
WILDLIFE, et al.,)	
)	
Defendants.)	
_____)	

Plaintiff Wild Fish Conservancy (“Conservancy”) and Defendants the Washington Department of Fish and Wildlife, et al. (“WDFW”) herby stipulate and respectfully move the Court to extend the deadline for filing a joint status report by an additional twenty-eight (28) days, from July 6, 2021 to August 3, 2021.

The Court entered a Stipulation and Order, Dkt. No. 7, on March 5, 2021 that, *inter alia*, stayed these proceedings until WDFW received certain exemptions from liability under section 9 of the Endangered Species Act (“ESA”), 16 U.S.C. § 1538, for a new integrated summer steelhead hatchery program on the South Fork of the Skykomish River. Dkt. No. 7, p. 4, ¶ 5. The

SECOND MOTION TO EXTEND DEADLINE
FOR STATUS REPORT AND ORDER – 1 No.
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1 Stipulation and Order directed the Conservancy and WDFW (collectively, “Parties”) to confer
2 within fourteen (14) days of the expiration of stay and to file a joint status report within fourteen
3 (14) days of the conferral describing the Parties’ proposal(s) for further proceedings. *Id.* at p. 5, ¶
4 7.

5 WDFW notified the Conservancy that it received two biological opinions (“BiOp”) that
6 each include exemptions from liability under section 9 of the ESA, 16 U.S.C. § 1538, for the
7 hatchery program on Friday April 23, 2021, and the Parties conferred on those exemptions and
8 further proceedings on Friday, May 7, 2021. Accordingly, the joint status report was initially due
9 on Friday, May 21, 2021.
10

11 On May 19, 2021, the Parties jointly moved to extend the deadline for filing a joint status
12 report to allow the Conservancy additional time to review the two new BiOps provided by
13 WDFW. Dkt. No. 8. The Court granted that motion, extending the deadline from May 21, 2021
14 to July 6, 2021. Dkt. No. 9.
15

16 On July 2, 2021, WDFW notified the Conservancy that NMFS approved a hatchery and
17 genetic management plan for the new hatchery program that is the subject of this litigation and
18 thereby exempted the program from liability under section 9 of the ESA. The Conservancy is in
19 the process of evaluating this new ESA approval from NMFS, including any associated
20 procedures provided under the National Environmental Policy Act. The Conservancy has
21 therefore requested additional time to complete its evaluations.
22

23 Accordingly, the Parties hereby respectfully move the Court to extend the deadline for
24 filing a joint status report by an additional twenty-eight (28) days, from July 6, 2021 to August 3,
25 2021.
26

27
28 RESPECTFULLY SUBMITTED this 6th day of July, 2021.

29 SECOND MOTION TO EXTEND DEADLINE
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*Attorneys for Defendants Washington
Department of Fish & Wildlife, et al.*

Attorney for Plaintiff Wild Fish Conservancy

ORDER

The Stipulated Joint Motion is hereby GRANTED.

The deadline for the Parties to file a joint status report is hereby extended by an additional twenty-eight (28) days, from July 6, 2021 to August 3, 2021.

This action shall be stayed and removed from this Court's active caseload until further application by the Parties or order of this Court.

DATED this 7th day of July, 2021.



HONORABLE ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE

Presented by:

By: s/ Brian A. Knutsen
Brian A. Knutsen, WSBA No. 38806
Counsel for Plaintiff Wild Fish Conservancy

SECOND MOTION TO EXTEND DEADLINE FOR
STATUS REPORT AND [PROPOSED] ORDER – 3
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1 By: s/ Michael S. Grossmann

2 Michael S. Grossmann, WSBA No. 15293

3 Counsel for Defendants Washington Department of Fish & Wildlife, et al.

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29 SECOND MOTION TO EXTEND DEADLINE
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